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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)

Amendment of Section 73.202(b))

Table of Allotments)

FM Broadcast Stations)

(Pleasanton, Bandera and Hondo, Texas))

MM Docket No. _____

RM _____

To: Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

REQUEST FOR EXPEDITED ACTION

Reding Broadcasting Company ("Reding"), hereby requests that action on the "Petition for Rule Making" filed today to substitute Channel 253C2 for Channel 252A at Pleasanton, Texas with the modification of its license to specify the new channel and channel substitutions at Hondo and Bandera, Texas be expedited by the immediate issuance of a Notice of Proposed Rule Making. As the Commission is aware, Reding first submitted this same proposal seven years ago on December 17, 1990 (in MM Docket No. 90-466). That proposal was dismissed in the Report and Order 7 FCC Rcd 7610 (1992) issued on November 23, 1992 due to short spacings to Mexican channels under the treaty then in effect. On December 23, 1992, Reding filed a Petition for Reconsideration which remained pending for five years until denied by Memorandum Opinion and Order, issued January 9, 1998. During the pendency of Reding's Petition for Reconsideration, Reding filed a Supplement on August 14, 1995 making the Commission aware that the Mexican Treaty of 1992 became effective in June, 1995. As a result, the spacing deficiencies to the Mexican allotments cited by the Commission in the Report and Order were no

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longer in violation of the spacing requirements for 6 kW (Class AA) channels as set forth in the 1992 treaty.

The Commission appeared to agree with Reding's Supplement by issuing a Public Notice on October 11, 1995 accepting Reding's proposal for consideration in MM Docket No. 90-466¹ and subsequently, seeking and obtaining Mexican concurrence in the Pleasanton, Hondo and Bandera channel substitutions. Thus, the Commission delayed action for five years ostensibly to obtain Mexican approval which was received approximately one year ago in February 1997. Yet the Memorandum Opinion and Order rejects the Hondo and Bandera proposals because they were unacceptable when filed in 1990!

Reding will not argue the merits of the Commission's decision in MM Docket No. 90-466 by Memorandum Opinion and Order in this Request. Reding only wants to explain its reasons for its belief that it and the public are entitled to expedited issuance of a Notice of Proposed Rule Making in response to the Petition for Rule Making filed today. The Commission staff had no justification for delaying action on Reding's Petition for Reconsideration for five years while awaiting Mexican approval unless it intended to grant Reding's proposal. Indeed the Commission issued a Public Notice indicating its acceptance of Reding's proposal and thereafter the Commission staff requested Mexican concurrence in the Hondo and Bandera proposals under the new Mexican treaty. However in view of the staff decision denying reconsideration due to the unacceptability of the counterproposal when filed in 1990, the delay is incomprehensible and

¹ In its Memorandum Opinion and Order, the Commission states the Public Notice was issued "to solicit comment". Whether or not the Commission is attempting to characterize the Public Notice as something other than an acceptance of Reding's proposal, the Public Notice was indeed an affirmative act by the Commission to formally accept the proposal and solicit reply comments.


has caused major disruptions to the Pleasanton station and the Hondo permittee.² To make matters worse, the Commission staff could have followed its general practice of issuing a Notice of Proposed Rule Making at this time with a new docket number since the staff recognizes that Reding's proposal is currently technically acceptable and in compliance with the Mexican treaty.

However, the Commission staff has taken the unusual step in paragraph 9 of the Memorandum Opinion and Order of requiring Reding to refile the proposal and wait for the issuance of a Notice of Proposed Rule Making. Since Reding has waited more than seven years to upgrade this facility and been subjected to five more years of unnecessary delay, Reding believes that, at the very least, it is entitled to expedited issuance of a Notice of Proposed Rule Making in response to the Petition for Rule Making it has filed today.


² Five Points Broadcasting, Inc. ("Five Points") has been unnecessarily delayed in constructing its Hondo station. Five Points has stated in its numerous applications for extension of time that it needed to know which channel and at which site it could construct its facility before doing so. The Commission has continued to grant these extension applications. In addition, Five Points has continued to delay consummation of its sale of the Hondo permit (BAPH-950622GF), which was originally granted on September 7, 1995, until the rule making was approved.

Respectfully Submitted,

REDING BROADCASTING COMPANY

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January 12, 1998

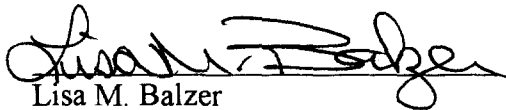
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Certificate of Service

I, Lisa Marie Balzer, a secretary at the law firm of Ginsburg, Feldman and Bress, Chartered, do hereby certify that on this 12th day of January, 1998 a copy of the foregoing Petition for Rule Making was mailed, first class postage prepaid to:

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* HAND DELIVERED